

Minutes of Chapter 54 Public Hearings held at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Thursday, January 28, 1999 at 1:00 p.m.

Present:

Barbara Grattan,	Town Clerk
Adam Grossman, Esq.,	Town Attorney
Leroy Barnes,	Building Administrator
Bruce Johnson,	Fire Marshal

Public Hearing opened: 1:07 p.m.

Barbara Grattan: "Let the record show the time is 1:07. The Public Hearing is now open.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:00 p.m. on January 28, 1999, to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures: property owned by Glider Holding, Inc., 116 Glider Avenue, Riverhead, New York."

Adam Grossman: "Okay, this public hearing is regarding real property that is designated as Suffolk County Tax Map No. 126-2-16.02. The property is located at 705 Ronaoke Avenue at the corner of Pulaski Street and Roanoke Avenue in Riverhead, New York.

Initially, I just would like to ask if we have a representative of the Building Department here this morning. Okay."

Bruce Johnson: "Bruce Johnson, Riverhead Town Fire Marshal."

Adam Grossman: "Well, you already stated your name for the record. And, Bruce, do you have prepared your qualifications in which to review these properties pursuant to Chapter 54 of the Town Code or would you like to read that into the record?"

Bruce Johnson: "Yes, I would. I'd like to read that in to the record. Currently, Riverhead Town Fire Marshal, appointed on April 13, 1998, currently enrolled in New York State Code Enforcement course for certification.

My education includes a Bachelors degree in accounting from Dowling College, a Masters Degree in finance and real estate from the University of Southern California in Los Angeles, a Bachelor of Science Degree from Empire State College.

Numerous training certificates from the National Fire Academy, the New York State Fire Academy, the Suffolk County Fire Academy in the topics of firefighting, building construction, safety, management, incident command and hazardous materials.

My experience includes 17 years as a volunteer fire fighter including five years as Chief Officer and I'm currently an adjunct professor for fire science program for the Empire State College."

Adam Grossman: "Okay, thank you. And before I begin, Mr. Johnson, I just want to add to the record that the current-- the record owner of the property is Glider Holding Corp. The property, again, is located at 705 Roanoke Avenue in Riverhead. And, Mr. Johnson, did you have an opportunity to conduct site inspections at this property?"

Bruce Johnson: "Yes, I did."

Adam Grossman: "And what did you find when you conducted these inspections?"

Bruce Johnson: "Several things. First, there is a large white box truck that's on the site that is blocking fire department access."

Adam Grossman: "Mr. Johnson, one other thing I forgot to do. I'm getting backed up here. Yes, swearing in. Mr. Johnson, would you hold up your right hand and do you swear that the information-- the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

Bruce Johnson: "Yes, I do."

Adam Grossman: "Okay. What I'm going to do is incorporate the statements you've already put into the record as having been pursuant to the swearing in and if you could continue with the information related to your inspection of the premises."

Bruce Johnson: "Yes. The first item is a large white box truck that's parked on the side of the building. That creates a problem in

blocking fire department access should we have another incident of fire at this particular building. That vehicle needs to be removed to a different location that's authorized property of the owner or some other arrangement for that particular box truck. There are several windows that still need to be secured and the front window, although they're not open at this point, also for safety and security reasons, should be boarded with plywood so that there's no potential for someone to break the window and gain access to that building.

Of particular concern is the amount of fire damaged food and other items that are still currently in the store that are visible through the front window. I was not able to get approval from the owner to do an inside inspection which is something that we would still like to be able to do, to take a little bit further look inside as to how much fire damaged equipment and food remains in the building and the condition of the basement.

Typically with a fire there's a lot of water flow and we also end up with water in the basement. I don't know if that's been rectified. So that's something we would recommend to have the approval of the owner to have us do a walk through. But the inside of the building needs to be taken care of. It's both a health hazard and a fire safety hazard if we have another fire in the building.

I also would like to ask in the record that the owner secure the utilities for that building as part of the Chapter 54, particularly the electric and the gas."

Adam Grossman: "Okay, Mr. Johnson, do you have a recommendation in terms of the Town Board acting on this particular public hearing at this time?"

Bruce Johnson: "Yes. Basically to require the truck be removed; that the front glass window be properly boarded up; that all other open windows be properly secured; that we ask for removal of all the food and debris inside and also provide a opportunity for myself and possibly someone from Suffolk County Health to perform an inspection of the interior of the building with the owner."

Adam Grossman: "Okay. Is there anything else you'd like to add to your testimony?"

Bruce Johnson: "Not at this time."

Adam Grossman: "Okay. Is there anyone else that would like to speak in connection with this public hearing? If not, the time is 1:12 p.m., and I declare the public hearing closed."

Public Hearing closed: 1:12 p.m.

Public Hearing opened: 1:14 p.m.

Barbara Grattan: Let the record show that the time of 1:14 has arrived. The public hearing is in session.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:10 p.m. on January 28, 1999, to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures. The owner of property owned by Herbert O. Jennings, located at 731 West Main Street, Riverhead, New York."

Adam Grossman: "Okay, this public hearing is regarding real property located at 731 West Main Street in Riverhead, New York, designated tax map number 124-4-17 owned by Herbert O. Jennings and I would initially ask if anyone from the Building Department is present to give testimony this afternoon."

Richard Gadzinski: "Yes."

Adam Grossman: "Okay, Mr. Gadzinski, could you please state your full name for the record?"

Richard E. Gadzinski: "And if you could raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Richard E. Gadzinski: "I do."

Adam Grossman: "Okay. You can state your name again, I'm sorry."

Richard E. Gadzinski: "Richard E. Gadzinski, Ordinance Inspector."

Adam Grossman: "Okay. And, Mr. Gadzinski, do you have

something prepared in terms of your qualifications to review real property in the Town of Riverhead pursuant to Chapter 54 of the Town Code or would you like to give oral testimony as your qualifications?"

Richard E. Gadzinski: "I have nothing prepared."

Adam Grossman: "Okay. Mr. Gadzinski, if you could please state your qualifications."

Richard E. Gadzinski: "I've worked for the Town of Riverhead for 10 plus years, started out as Code Enforcement Officer of the Town in the Town Attorney's office doing building violations, fire code violations, zoning violations. More recently, I was transferred to the Building Department working under the auspices of Ray Wiwczar, who's retired, now Leroy Barnes. I've been doing building inspections, safety inspections, electrical, what have you.

I have two years of college, pre-engineering, and pretty knowledgeable of the construction code and also life safety."

Adam Grossman: "Okay. And, Mr. Gadzinski, did you have an opportunity to conduct site inspections at the real property located at 731 West Main Street in Riverhead, which is the subject of this public hearing?"

Richard E. Gadzinski: "Yes, I did."

Adam Grossman: "And what did you find when you did these site inspections?"

Richard E. Gadzinski: "The day of the inspection there was a large rolloff on the east side of the building, partially filled with demolition debris, household rubbish, which has since been removed from the site. The building itself has been in the process of being gutted. The old plaster, the old sheetrock, windows, doors, whatever, have been removed from the interior of the building and the building was open and accessible to the public or to anyone who cared to enter the back door-- the basement were open.

There is evidence of rotting at the rear entry way, holes in the floor and no electric in the building; no utilities turned on in the building. It creates an attractive nuisance to people in the neighborhood and a safety issue should someone enter this building and get injured."

Adam Grossman: "Okay. And do you have any recommendation to the Town Board as to how they should act on this Chapter 54 proceeding?"

Richard E. Gadzinski: "It is my belief that this building should be removed. I think that's also-- in addition to it being removed, it's a safety issue, it's a health issue and serves no logical purpose as it is."

Adam Grossman: "Okay. Do you have anything further you'd like to add to your testimony?"

Richard E. Gadzinski: "No."

Adam Grossman: "Okay, thank you. Is there anyone else that would like to be heard in connection with this public hearing? Sir, would you like to come up? Maybe if you want to go over to that microphone. Sir, first of all, what is your name?"

Henry Lejkowski: "My name is Henry Lejkowski. I've never been in such a situation like today. I'm the new-- I'm buying the building from Mr. Jennings. We are in the procedure of financing."

Barbara Grattan: "Sir, first before you go on, could you spell your last name?"

Henry Lejkowski: "Henry L-E-J-K-O-W-S-K-I."

Barbara Grattan: "L-E-J-K-O-W-S-K-I?"

Henry Lejkowski: "Correct."

Barbara Grattan: "Thank you."

Adam Grossman: "Okay."

Henry Lejkowski: "I am in the procedure of buying both of the buildings and the reason I come today, we no have nothing yet prepared. I understand Mr. Gadzinski, whatever he say was true, but now this building is secure and we attempt to renovate the building. I spoke with Mr. Danowski and Mr. (inaudible) and they're preparing all necessary survey, all necessary paper to file for this purpose. Probably they tell me it's like four, five weeks and the reason I come today to just-- to tell what's going on."

Adam Grossman: "Okay. Well, Mr. Jennings, if you have information in terms of something in writing-- "

Henry Lejkowski: "I'm Mr. Lejkowski."

Adam Grossman: "I'm sorry., Mr. Lejkowski-- that you would like to submit in writing that, in fact, the building is secure, I would suggest that you forward that information to the Building Department and that the Building Department be given an opportunity to verify that, you know, the current condition of the premises. Is there anything else in the meantime that you would like to add to your testimony?"

Henry Lejkowski: "This is the (inaudible) about the lawyer and the architect, no? Now the building is secure, they put a new (inaudible) to both buildings that was done, already was done like maybe two months ago. I'm new in Riverhead, I'd be happy to live in this building, that was my reason to purchase the building, to make an income because the taxes are very high. In the one building you cannot probably exist, that was my-- I'd really like to apply for bring down the first building because it was bad and it was not occupied for like almost two year and when we ready, architect and the lawyer preparing everything to-- according to the law-- to building code, to prepare this thing."

Adam Grossman: "You want to add-- "

Leroy Barnes: "Yes, I'd like to add some testimony. Leroy Barnes, the Building Department head. I just would like to make you aware that the Town Board back in 1997 adopted a special permit resolution and with that the prior owner which was at that time I believe it was ALJ Corp.-- at that time when they went for the special permit, the Town Board granted them permission to maintain the southerly residence which is on the river. However, there was a-- those two properties were held in the same deeded ownership and were deemed to be merged. So a condition of the special permit allowed the southerly parcel to remain and the building to remain was that the Town Board said that the fire damaged northerly structure shall be removed from the property. So there's a special permit with the condition that that building be demolished. So the building that we're talking about today is to be demolished."

Henry Lejkowski: "Yes. And Mr. Jennings, he have the permit to demolish. And I was (inaudible) to this building the day he come--

actually the bulldozer and try to demolish this. Well, (inaudible) could we save this building, you know. Until now, I'm preparing this, everything-- "

Leroy Barnes: "Are you advising us that Mr. Danowski is your attorney?"

Henry Lejkowski: "Yes."

Leroy Barnes: "Okay. Could you have Mr. Danowski discuss this issue with us?"

Henry Lejkowski: "Yes."

Leroy Barnes: "Okay."

Adam Grossman: "Okay, very good. Is there anything further you would like to add?"

Henry Lejkowski: "No, thank you."

Adam Grossman: "Okay, well, thank you very much. Is there anyone else that would like to speak in connection with this public hearing? If not, the time is 1:23 p.m. and I declare the public hearing closed."

Public Hearing closed: 1:23 p.m.

Public Hearing opened: 1:24 p.m.

Barbara Grattan: "Let the record show the time of 1:24 has arrived. And I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:15 p.m. on January 28, 1999, to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures property owned by Alfred S. Campbell located at 79 Lewis Street, Riverhead, New York."

Adam Grossman: "This public hearing is regarding the property located at 79 Lewis Street, Riverhead, New York. The tax map designation is 105-2-72 and the property-- the record owner of the property is Alfred S. Campbell. I would first like to ask if there is

anyone from the Building Department here to give testimony at this time."

Bruce Johnson: "Yes, there is."

Adam Grossman: "Okay, Mr. Johnson, could you raise your right hand, please? Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?"

Bruce Johnson: "Yes, I do."

Adam Grossman: "Could you please state your name for the record?"

Bruce Johnson: "My name is Bruce Johnson."

Adam Grossman: "And, what is your position in the Town of Riverhead?"

Bruce Johnson: "Fire Marshal I for the Town of Riverhead."

Adam Grossman: "Okay, and what are your qualifications to review parcels of real property pursuant to Chapter 54 of the Riverhead Town Code?"

Bruce Johnson: "With your permission, I'd just like to submit into record the qualifications given at the public hearing at 1:05."

Adam Grossman: "Okay, very good. Those shall be submitted into the record."

Qualifications of Bruce Johnson:

Appointed Town of Riverhead Fire Marshal I on April 13, 1998.
Currently enrolled in New York State Code Enforcement course for certification.

Education:

Bachelors of Accounting degree - Dowling College, Oakdale, New York

Masters degree - finance and real estate - University of Southern California, Los Angeles

Bachelors of Science degree - Fire Service Administration -
Empire State College

Numerous training certificates from National Fire Academy - New York State Fire Academy and Suffolk County Fire Academy in firefighting, building construction, safety, management, incident command and hazardous materials

Experience:

17 years experience as volunteer fire fighter including five years as Chief Officer

Adjunct college professor for Fire Science Program at Empire State College

Adam Grossman: "Mr. Johnson, did you have an opportunity to conduct site inspections at the property located at 79 Lewis Street in Riverhead that's the subject of this public hearing?"

Bruce Johnson: "Yes, I did."

Adam Grossman: "And what did you find when you conducted these site inspections?"

Bruce Johnson: "The site at 79 Lewis Street-- we have an open structure with a damaged west side first floor wall and cellar wall, certainly creating a safety hazard and allowing access to the structure.

In addition to that, there were numerous abandoned vehicles and other hazardous items and equipment on the premises. Of particular concern was, I believe, at least one refrigerator with the door still on noted on the premises and numerous other items that could present a hazard. The site is also very overgrown with vegetation. It's dangerous even to walk on the property. So that was the result of the findings."

Adam Grossman: "Okay. And what is it-- do you have any recommendation to the Town Board in connection with this public hearing?"

Bruce Johnson: "Yes. Three things. The abandoned vehicles and all the other hazardous equipment should be immediately removed from

the premises. The open west wall and foundation should be made immediately secured to prevent further collapse and/or the ability for anybody to enter the site and probably the third phase would be to demolish or remove the structure. It doesn't appear that the structure is going to be saved based on the amount of damage that we witnessed."

Adam Grossman: "Okay. Is there anything further you'd like to add to your testimony this afternoon?"

Bruce Johnson: "Not at this time."

Adam Grossman: "Okay. Thank you very much. Is there anyone else who would like to-- okay, yes, Mr. Barnes, you'd like to add some testimony in connection with this hearing."

Leroy Barnes: "Yes. Leroy Barnes, Building Department Administrator. I would just like for the record to be aware that the Town of Riverhead through its Community Development Agency is currently in contract with this property. But we still want to be able to have this property on notice that it is an unsafe condition and it must be dealt with."

Adam Grossman: "Okay. Is there anyone else who would like to testify in connection with this public hearing?"

Robert Kozakiewicz: "There is-- on behalf of Mr. Campbell, I'd like to just give my appearance. Robert F. Kozakiewicz, 30 West Main Street, Riverhead, New York. Mr. Campbell is here. First I would just like to question the procedure here. I know under the Chapter 54 it's a hearing before the Town Board. I note just for the record that the Town Board members are conspicuously absent. I question how that's going to be done, whether there's going to be a reserved decision or how that's going to be handled."

Leroy Barnes: "Robert, as you know, we discussed this procedure in the past and we feel that the actual minutes, the verbatim minutes, are forwarded to the Town Board. They will see and read the testimony and then make that decision through a public resolution."

Robert Kozakiewicz: "Okay. Would it be fair to say then that this hearing, the minutes of the hearing, can be left open for submission of photographs, additional evidence, prior to their determination?"

Adam Grossman: "Yes, absolutely, okay. Whatever time period you'd like, we'd be happy to leave the public hearing open."

Robert Kozakiewicz: "Okay. Next question. Do-- since this is a hearing affecting my client's rights with respect to his property, I'd like to have just a brief opportunity to cross-examine the Fire Marshal, if I may, just ask him a couple questions and then present Mr. Campbell."

Adam Grossman: "Yes, of course."

Robert Kozakiewicz: "Okay. Mr. Johnson, I missed your qualifications from the 1:05 hearing, so if you could, I'm sorry to make you do it, if you could restate those qualifications."

Bruce Johnson: "Okay, for the record, Bruce Johnson, Fire Marshal I with the Town of Riverhead. I was appointed to that position on April 13, 1998. I'm currently enrolled in New York State Code Enforcement course for certification. That will be completed next week."

My education includes a Bachelors of Accounting degree from Dowling College, Oakdale, New York. A Masters degree in finance and real estate from the University of Southern California, Los Angeles and a Bachelor of Science degree in fire service administration from the Empire State College, New York State.

Training includes numerous certificates from the National Fire Academy, New York State Fire Academy, and Suffolk County Fire Academy in topics including firefighting, building construction, safety, management, incident command and hazardous materials.

My experience includes 17 years as a volunteer fire fighter including five years as a Chief Officer. I'm currently an adjunct professor in the Fire Science program at Empire State College."

Robert Kozakiewicz: "I assume I can get a copy of that for my purposes?"

Bruce Johnson: "Yes."

Adam Grossman: "Certainly."

Robert Kozakiewicz: "Okay. Looking at the report, I was unable

to determine whether at any point in time-- is this thing on?-- you had a chance to actually enter into the premises, the structure in question. I'm-- from what I'm gathering from the paperwork, I'm assuming that you did not enter into the structure. Is that fair to say?"

Bruce Johnson: "That is correct."

Robert Kozakiewicz: "Okay. And I notice that with respect to the items which are checked, I'm assuming that the absence of checks following the particular items means that you either did not notice a problem or did not feel a problem was sufficient in order to make a notation by double checks. Is that correct? Am I understanding the form right?"

Bruce Johnson: "Yes, you are."

Robert Kozakiewicz: "Okay. Now, I noticed items 38 through 41, those items dealt with problems that are outside of the structure, namely refrigerators, abandoned vehicles, abandoned propane tanks and debris in the yard. Is that right?"

Bruce Johnson: "That is correct."

Robert Kozakiewicz: "Okay, so those would-- in and of itself would not lead to any conclusion with respect to the structure being unsafe or a risk to the public. Is that correct?"

Bruce Johnson: "That's correct with regard to the structure but not with the real property adjacent to it."

Robert Kozakiewicz: "Okay. Now I did recall during your statements previous that you indicate that due to the overgrown nature of the property it was dangerous. Is that-- when you say it was dangerous, can you extrapolate or expand upon your conclusion or observation?"

Bruce Johnson: "Certainly. We have a combination, there's certainly a large amount of debris on the premises and a lot of that is hidden or partially hidden by the fact that the vegetation on the premises is vastly overgrown. So anybody that-- the property is not secured on any of the four sides, so anybody that was to enter the property, even though that would be a trespass, would be subject to possible injury in the yard because of the overgrown conditions and

the hidden items and debris that is present. And the way the property pitches, there's also a very steep hill which is partially hidden on the west side. That may be a contributing factor to the partial collapse of the west wall on the foundation, but just the topography of the land also creates a hazard on that particular side."

Robert Kozakiewicz: "Okay. So if I understand what you're stating with respect to the items on the exterior, assuming they were removed-- assumed the property was cleared of excess vegetation, that would eliminate what you determined to be a dangerous condition, is that fair to say?"

Bruce Johnson: "Yes, it is."

Robert Kozakiewicz: "Okay. Now, you've indicated on the page before that that you observed a structure leak and you also checked off that there was broken windows. And this would have been as a result of your inspection on December 17. Is that right?"

Bruce Johnson: "That is correct."

Robert Kozakiewicz: "Now, have you been to the property subsequent to December 17?"

Bruce Johnson: "I have not."

Robert Kozakiewicz: "Okay. If-- withdrawn. With respect to the broken windows, assuming the broken windows were either replaced or boarded up in HUD fashion or similar fashion, that would satisfy your needs as far as securing the structure?"

Bruce Johnson: "Securing that particular item, yes."

Robert Kozakiewicz: "Okay. Now, the structural leaks, is that due to the windows being broken? Is that what you observed?"

Bruce Johnson: "It's a combination of the windows being broken and the partial collapse of that west wall."

Robert Kozakiewicz: "Okay. Now, the collapse of the west wall. That was-- can you tell us the extent-- was it one linear foot, two linear feet? How much of that wall was actually collapsed and to what extent was that collapse noticeable?"

Bruce Johnson: "It's very noticeable. It was probably the majority of the wall is displaced because the majority of the foundation supporting the wall outside has washed away."

Robert Kozakiewicz: "Okay. And is that the same area where you saw the floor joists sagging? Is that your testimony as well?"

Bruce Johnson: "Yes."

Robert Kozakiewicz: "I'm assuming that from what you just testified to. Okay."

Bruce Johnson: "That is correct."

Robert Kozakiewicz: "Now, with respect to the interior of the structure, you again, once again did not observe the interior of the structure. Is that correct?"

Bruce Johnson: "That is correct. Based on what was visible from the opening and the collapse, we didn't feel it would be safe to attempt entry."

Robert Kozakiewicz: "So if I understand correctly, your determination that the building is structurally unsound is based upon the foundation deterioration alone. Is that correct?"

Bruce Johnson: "The-- yes. The foundation along with the fact that the wall that was above that foundation is partially collapsed and we could see sagging floor joists. So we don't know the extent of the other damage that may have been caused by the foundation giving way."

Robert Kozakiewicz: "Okay. And conversely based upon the inability to observe the structure from the inside, it's difficult to determine whether repairs can be made to prevent a collapse. Is that fair to say?"

Bruce Johnson: "That is correct."

Robert Kozakiewicz: "Okay. I have nothing further."

Adam Grossman: "Okay. Mr. Kozakiewicz, were you going to be asking your client to come up?"

Robert Kozakiewicz: "Yes, I would. If I can have an opportunity to have Mr. Campbell testify please."

Adam Grossman: "Mr. Campbell, since you are the owner of the property, I do need to swear you in as to your testimony. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Alfred Campbell: "I do."

Adam Grossman: "Okay. Could you please state your name for the record?"

Alfred Campbell: "Alfred Campbell."

Adam Grossman: "Okay. And you are the owner of the real property that is the subject of this public hearing?"

Alfred Campbell: "I am."

Adam Grossman: "Okay, Mr. Kozakiewicz, would you like to do an examination of the witness?"

Robert Kozakiewicz: "Yes, thank you. Mr. Campbell, where do you presently reside?"

Alfred Campbell: "I reside at 433 Mill Road in Unit 76."

Robert Kozakiewicz: "And how long have you resided at that particular residence?"

Alfred Campbell: "Approximately a year and a half."

Robert Kozakiewicz: "All right. And prior to that time, where did you reside?"

Alfred Campbell: "At 79 Lewis Street."

Robert Kozakiewicz: "Okay. And how long did you reside at 79 Lewis Street?"

Alfred Campbell: "About 30 years."

Robert Kozakiewicz: "Okay. We had some discussions prior to

your coming here today about your physical conditions and certain problems that you've encountered personally with-- if I could put them on the record, could you please state in a narrative form what those problems have been with respect to yourself?"

Alfred Campbell: "Well, I took a stress test in preparation for a hernia operation and it-- during the stress test I suffered a-- I have to think what the term is-- a-- anyway, a ruptured aorta basically. And a week later I suffered occlusion of the aorta. In other words, (inaudible) hematoma which resulted in lack of blood to the spinal column and paralysis and I was taken to Stony Brook in a helicopter and spent 21 days at Stony Brook, the first 17 of them I had no feeling in the right leg and no movement, no anything. It was totally dead. The arms and legs came-- the other leg and the arms came back and on, I guess, the 19th day, I had a slight movement in the toe and the cardiologist says, hey, you're going to be fine and sent me to St. Charles for rehab."

Robert Kozakiewicz: "When did this happen? When did this-- "

Alfred Campbell: "The aortal occlusion happened-- or the aortal hematoma happened the 20th of December and the result of it actually, the occlusion, happened the 2nd of January."

Robert Kozakiewicz: "Okay. Would that be 1997 and 1998?"

Alfred Campbell: " In 1997, yes."

Robert Kozakiewicz: "Okay. As a result of that condition, can you tell me whether you are able to do any heavy physical or other labor with respect to around your house or at 79 Lewis Street?"

Alfred Campbell: "Well, I'm lucky to be alive and not able to do a lot. Just able to walk and do slight lifting. Since then I've had the-- the operation which took care of the hernia and that was very successful, no problem with that, and, you know, I'm getting along and gradually the feeling is coming back in my legs and like that. Probably I'm on the way up."

Robert Kozakiewicz: "All right. They discussed the fact that they-- I think there was an admission that there is a contract of sale that's currently signed. Is that-- can you tell me what the status of that is, whether it's actually signed or not?"

Alfred Campbell: "Yes, it is signed."

Robert Kozakiewicz: "Okay. And the reason I am asking is because Mr. Campbell came to me pretty late yesterday to ask me to be here today so I didn't have a chance to confirm whether the contract was signed."

Adam Grossman: "Yes."

Robert Kozakiewicz: "Okay. Mr. Campbell, you've heard them mention that there's a number of cars on the property. What, if any, efforts have you made to try and remove those cars?"

Alfred Campbell: "Well, I got a car transporter who moves junk and whatnot and he came down there and he says I will not pull the cars off the property. If they're in the street, he says I'll load up five or six on my conveyor and remove them but he says I will not pull them out of the yard. And I could understand why because later on I got a friend of mine from the lab who also does that in his spare time and he came down there and it took us about two and a half hours to get one car out because he had to saw down a tree to get it through the front road line because there are bushes and trees along the front. And since I had no access to the driveway which I used to use between properties because they encroached on it, took most of it and put a fence up, there was no way to get it out that way. So, after he had done that and after we dodged various residents with their cars coming down to harass us, why he says, I'm not going back there for no reason, no way. You know.

And I can't blame him. And we had a friend of ours from the lake who lived in the area before and he sort of was there to make sure we didn't have a problem and he says, forget it. He's shaking his head because actually guys would come around the corner with their cars like 40 miles an hour, you know. If they couldn't, you know, yell and stuff and all that-- it's just-- my friend says you're not going to catch me down there again. That's it. Forget it."

Robert Kozakiewicz: "Did you have any discussions with anyone from the Town regarding the removal of cars?"

Alfred Campbell: "Yes. I talked to Mark Kwasna and I explained that we had made efforts and it just wasn't coming to fruition. Mark says, you know, as soon as the Town buys the property, they can go down there with a shovel and push the cars onto the road

and I said at that time, I'll have them removed, no problem. He says, okay. He says, I'd do it now but for reasons of insurance I don't think the Town wants to go on the property. So I said well, at that time I had homeowners. I said I have homeowners and it will be covered. He says, well, I still think the Town would prefer to do it. So, right now, I've let my homeowners lapse because as of September 20th, I think, they were supposed to close that Friday and said we'll have a check for you and we'll close and at the end of the month I allowed my homeowners to lapse, but in the meantime, I was called by Laura Lennox (phonetic) saying that they had to postpone because I think something they were doing with the Grumman property at the time. And she says I'll call you first thing in the week and we'll schedule it for next Friday, (inaudible) and I didn't hear from her so I called her and she said well, I'll get back in touch with you which I didn't hear from her.

Finally, you know, I talked to my daughter and I says, you know, I'm having a lot of problems here. I says maybe you could look into it for me. So she called Andrea Lohneiss and she said everything is all set to go, we're I think experiencing problems with the grant money and she called again, the Town Attorney's office, and everything was supposedly a go except for the grant money. And it turns out the last explanation I got, the grant specified that the new development would experience total sewer system and would have to show sewer plans and they weren't ready or whatever. So the grant money wasn't forthcoming. So that was the last word I had. But-- "

Robert Kozakiewicz: "I'm going to-

Alfred Campbell: "So a lot of these problems are moot. If the Town takes the property, then everything is going to be taken care of and if they don't, well then, there's a problem-- I'm having a problem and you're having a problem. You know. It's a-- and I really physically am not able to go out there and do something which I would only-- I talked to Mr. Kozakiewicz about the refrigerator. I can certainly throw a chain on it and pull it out to the road if the garbage truck will take it away. But my experience is, I went down with a couple of guys one time and filled up like three garbage cans, put them out in the road, they sat there and eventually somebody would kick them all over, drove over with the car and that was it. Nobody ever picked the stuff up. I called the Town and nothing every happened about that.

When I was living there, I used to put the garbage out and I

found out the truck would not back down and pick it up in front of my house. So I would carry them up to the next house which was on the corner and leave them there and sometimes they would dump them, empty them, and sometimes they wouldn't. Whether I was being looked at as the only-- "

Adam Grossman: "I think we're getting a little bit off the subject."

Alfred Campbell: "Okay, but, you know, I've had no luck with garbage or else it wouldn't-- and people dump stuff over the fence and stuff like that so some of that stuff, you know, wasn't of my origin."

Robert Kozakiewicz: "Right. Mr. Campbell, I think when we spoke last you indicated that you try to visit the property at least once a week and you were last on Monday."

Alfred Campbell: "Correct."

Robert Kozakiewicz: "Did you observe any structural problems of any kind at that time?"

Alfred Campbell: "Not seriously. No."

Robert Kozakiewicz: "Okay. And with respect to the windows that were broken, did you take care of those windows by boarding them or otherwise securing them?"

Alfred Campbell: "Previously, a long time previously."

Robert Kozakiewicz: "Okay. And with respect to the door to the premises, is that padlocked by yourself?"

Alfred Campbell: "The door jamb originally was broken-- the door was broken into. Somebody took a cement block and ran through it and it shattered the door jamb and in place of that I put a two by six and screwed it onto the frame and put a padlock and a heavy hasp on there and there's no way anybody is getting through that door. I don't care if they take 10 cement blocks; they're not getting through that."

There's (inaudible) on all the windows and one time they broke in my pushing a little kid through the (inaudible) and let him run around and open the door. But that's no longer possible because the door is

padlocked. It's unable-- any-- I suppose any structure you're able to break into if you make up your mind to one way or another. But for the ordinary say kid or whatever, they're not getting in there. And they haven't gotten in in the year and a half, two years that I haven't lived there. So, you know, I have my mother's furniture which is my kid upstate is supposed to pick up, my daughter, and stuff like that. Nothing has been removed because they can't get in.

And as far as I understand this so called west wall, that was a carport. It never had a foundation under any part of it. That was a couple little buckets that they put concrete in and they were standing there. I excavated there to put in an addition with a ground floor, garage, and in the consequence I removed the buckets which were probably 18 inches long and 12 inches in diameter. I took those away. I extended the supports to the carport down and closed it in with windows. There's no way anybody's getting through that into the carport section and between the carport section and the house itself is a door which is locked, bolted and barred. So nobody is getting into that property. Not from the outside."

Robert Kozakiewicz: "One last question. Based upon everything you stated and what you've observed, is the structure in a state of repair where it's about to collapse or structurally unsound?"

Alfred Campbell: "No."

Robert Kozakiewicz: "I have nothing further."

Adam Grossman: "Okay, if-- unless we have anyone else that would like to give testimony in connection with this public hearing, I guess there aren't-- the time is now 1:49 p.m. and I declare the public hearing to be continued-- so it's actually going to remain open for written comments until the 25th of February at 5:00 p.m. here at Town Hall and it will be closed as of 5:00 p.m. on the 25th of February."

Robert Kozakiewicz: "Thank you."

Public Hearing is remaining open to February 25, 1999

Public Hearing opened: 1:50 p.m.

Barbara Grattan: "Let the record show the time of 1:50 has arrived."

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:20 p.m. on January 28, 1999, to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures. The owner of property owned by Pierce and Marguerite Guiller, located at 767 East Main Street, Riverhead."

Adam Grossman: "Okay. The subject of this public hearing is real property as the Town Clerk just stated located at 767 East Main Street, Riverhead, New York, tax map designation is 127-7-23.01. The property is owned by Pierce and Marguerite Guiller, spelled G-U-I-L-L-E-R and I first would like to ask if there is anyone from the Building Department here? Mr. Johnson is present. Mr. Johnson, will you please raise your right hand? Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

Bruce Johnson: "Yes, I do."

Adam Grossman: "Okay. Can you state your name for the record, please."

Bruce Johnson: "Bruce Johnson."

Adam Grossman: "And your position with the Town of Riverhead?"

Bruce Johnson: "Fire Marhshal I."

Adam Grossman: "Okay, and Mr. Johnson, I believe you have a written statement of qualifications. Would you like to submit that into the record?"

Bruce Johnson: "Yes, I would."

Adam Grossman: "Okay."

Qualifications of Bruce Johnson:

Appointed Town of Riverhead Fire Marshal I on April 13, 1998

Currently enrolled in New York State Code Enforcement course for

certification

Education:

Bachelors of Accounting degree - Dowling College, Oakdale, New York

Masters Degree - finance and real estate - University of Southern California, Los Angeles

Bachelors of Science degree - fire service administration - Empire State College

Numerous training certificates from National Fire Academy, New York State Fire Academy and Suffolk County Fire Academy in firefighting, building construction, safety, management, incident command and hazardous materials

Experience:

17 years experience as fire fighter including five as Chief Officer

Adjunct college professor for Fire Science Program at Empire State College.

Adam Grossman: "Well, my first question for you is, did you conduct site inspections at the property which is the subject of this proceeding at 767 East Main Street in Riverhead?"

Bruce Johnson: "Yes, I did."

Adam Grossman: "And what did you find when you conducted the site inspections?"

Bruce Johnson: "I had the opportunity to be at this site pursuant to a fire investigation. There was a minor fire that occurred in this building. Apparently was caused by the fact that the building was not secured and that there was one or more vagrants that were occupying the building and we attributed the cause of the fire to the building being open and having unauthorized access.

As part of the inspection, it was noted that there were several doors that were unsecured prior to the occurrence of the fire and in

addition due to the fire and the need for the fire department to make entry and to also ventilate the building, some damage was caused in the firefighting effort and the ventilation of the building to damage other windows on the first and second floor.

You know, based on the damage that was caused by the fire, there was a hole burned in one of the bedrooms right through the floor into the basement from that first floor bedroom. The open condition of the house and the damage that was created by the fire and the firefighting effort, we felt that the structure was unsafe because of those factors."

Adam Grossman: "Okay. And do you have a recommendation to the Town Board as to the conclusion they should reach in connection with this Chapter 54 proceeding?"

Bruce Johnson: "Okay. I'm happy to say that we have been working with Mrs. Guiller who is here today. She has already made provisions to secure the building so the openness of the building has been taken care of. All the doors have either been replaced or properly boarded and all the windows on both floors that were broken or otherwise damaged have been secured. So that was, you know, our initial concern and I understand that they're also preparing a building permit application to make the necessary repairs to bring the house back into a habitable condition. So basically our recommendation is to make sure that we maintain the building secured until such time as a building permit is issued and the necessary repair work is done so that they can be issued a certificate of occupancy again."

Adam Grossman: "Okay. Is there anything further you'd like to add to your testimony, Mr. Johnson?"

Bruce Johnson: "Not at this time."

Adam Grossman: "Okay. Thank you. Is there anyone else who would like to be heard in connection with this public hearing? Do either of you wish to give any testimony? Sir, if you want to give testimony, you have to come up."

Dallas Brooks: "My name is Dallas Brooks and on-- while I spoke to the Fire Marshal and the Commissioner here about-- I think about two weeks ago when I first came out to look at it. On my arrival I noticed that there was a fire there and since that time I was

informing them what I was doing, what the type of work I was doing there as far as getting everything back into order.

The plumbing and stuff, I already took care of that. The lights, the doors, I ordered the windows and stuff already for the property. Next after I finish getting rid of all the debris and stuff, then I'll order a dumpster to come in there and then I'll clean up the landscape outside. And everything should be back in order in about a month and a half roughly, or two months."

Adam Grossman: "Okay. Sir, is there anything else you'd like to add to your testimony?"

Dallas Brooks: "I think everything else is in order, everything is good."

Adam Grossman: "Okay. Well, thank you very much."

Dallas Brooks: "Thank you."

Adam Grossman: "Okay. If there is no one else that would like to be heard in connection with this public hearing, the time is 1:55 p.m. and I declare the public hearing closed."

Public Hearing closed: 1:55 p.m.

Barbara Lathan
Court Clerk